

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "100 Pounds," borne on the tags attached to the sacks containing the article, regarding the said article, was false and misleading in that it represented that each of the said sacks contained 100 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds of the article, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds of the said article, but did contain a less amount. Misbranding of the article in each shipment was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 10, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11123. Adulteration and misbranding of chocolate. U. S. v. 6 Boxes of Dairy Maid Vanilla Chocolate, et al. Consent decree of condemnation and forfeiture. Product delivered to charitable institution.** (F. & D. No. 15954. I. S. Nos. 15544-t, 15545-t, 15546-t, 15547-t, 15548-t. S. No. E-3757.)

On February 2, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 boxes of Dairy Maid vanilla chocolate, 4 boxes of Dairy Maid milk chocolate, 4 boxes of Dairy Maid brand milk chocolate dainties, 8 boxes of vanilla chocolate wafers, and 4 boxes of Dairy Maid brand vanilla chocolate dainties, remaining unsold in the original unbroken packages at New York, N. Y., consigned by the Brewster Sons Co., Newark, N. J., alleging that the articles had been shipped from Newark, N. J., on or about December 28, 1921, and January 9, 1922, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled variously: "1½ Ounces Dairy Maid Vanilla Chocolate Made by Brewster Sons Company Newark, N. J. 5 Cents;" "1½ Ounces Dairy Maid Milk Chocolate Made by Brewster Sons Company Newark, N. J. 5 Cents;" "2½ Pounds Dairy Maid Milk Chocolate Dainties Brewster Sons Company, Newark, N. J.;" "3 Pounds Nassau Vanilla Chocolate Wafers Brewster Sons Company, Newark, N. J.;" "2½ Pounds Dairy Maid Vanilla Chocolate Dainties Brewster Sons Company, Newark, N. J."

Adulteration of the articles was alleged in the libel for the reason that a substance, excessive cocoa shells, had been mixed and packed with and substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements on the respective packages, "Vanilla Chocolate," "Milk Chocolate," "Milk Chocolate Dainties," "Vanilla Chocolate Wafers," and "Vanilla Chocolate Dainties," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that each of the said articles was an imitation of and was offered for sale under the distinctive name of another article.

On October 24, 1922, the Brewster Sons Co., Newark, N. J., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Salvation Army for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11124. Misbranding of olive oil. U. S. v. Christopher Buonocore and Amedeo Buonocore (C. Buonocore & Son). Pleas of guilty. Fine, \$120.** (F. & D. No. 16567. I. S. Nos. 5078-t, 5079-t, 6678-t, 6679-t, 6680-t, 6681-t, 6682-t, 6683-t, 6693-t.)

On November 11, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christopher Buonocore and Amedeo Buonocore, copartners, trading as C. Buonocore & Son, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about April 27, May 5, and May 7, 1921, respectively, from the State of New York into the State of Connecticut, of quantities of olive oil which was